

HOUSE No. 1182

By Mr. Lantigua of Lawrence, petition of William Lantigua relative to superannuation programs for superintendents in underperforming school districts. Education.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT IMPROVING RECRUITMENT AND RETENTION OF EDUCATORS AND SUPERINTENDENTS IN UNDERPERFORMING SCHOOL DISTRICTS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subdivision (4) of section 3 of Chapter 32 of the
2 Massachusetts General Laws, as appearing in the 2002 Official
3 Edition, is hereby amended by striking out in line 400 the word
4 “ten” and inserting in place thereof the word “fifteen”.

1 SECTION 2. Section 3 of Chapter 32 of the Massachusetts
2 General Laws is hereby amended by adding after subdivision (4A)
3 the following:—

4 (4B) Notwithstanding the provisions of section 4A of
5 Chapter 32, any superintendent in service who is employed as the
6 superintendent by a school district, which has been identified as
7 an under-performing school district and/or a district in which
8 there is a memorandum of understanding (agreement) with the
9 Commonwealth of Massachusetts Department of Education, who
10 holds a certificate issued by the department of education or is
11 exempted from the requirement of certification and who was pre-
12 viously engaged in teaching pupils or as an administrator in a non-
13 public school may, before the date any retirement allowance
14 becomes effective for him, pay into the annuity savings fund of
15 the teachers’ retirement system in one sum, or in installments,
16 upon such terms and conditions as the board may prescribe, an
17 amount equal to that which would have been withheld as regular
18 deductions from his regular compensation for such previous

19 period, or most recent portion thereof, as he may elect, had such
20 service been rendered in a public school of the commonwealth and
21 had he been a member of the teachers' retirement system during
22 the period such service was rendered with a maximum credit for
23 service in nonpublic schools not to exceed ten years; provided that
24 no credit shall be allowed and no payment shall be accepted for
25 any service on account of which the member shall be entitled to
26 receive a retirement allowance from any other non public school
27 system. If it is found that payment has been accepted for any
28 service for which the member is entitled to a retirement allowance
29 from any other non public school system, the amount paid for
30 such service with accumulated interest shall also be refunded with
31 no retirement credit allowed. In addition to the payment of such
32 sum, or installments thereof, such member shall also pay into the
33 appropriate annuity savings fund an amount of interest such that at
34 the completion of such payments the value of his accumulated
35 payments, together with regular interest thereon, actually made on
36 account of such previous nonpublic school service, shall equal the
37 value of his accumulated regular deductions which would have
38 resulted if regular deductions had been made when regular com-
39 pensation for such service was actually received. Upon the com-
40 pletion of such payments, such member shall receive the same
41 credit for such period of his previous nonpublic school service, or
42 portion thereof elected, as would have been allowed if such
43 service had been rendered by him in a public school of the com-
44 monwealth. Such member shall furnish the teachers' retirement
45 board with such information as it shall require to determine the
46 amount, to be paid and the credit to be allowed under this subdivi-
47 sion.

1 SECTION 3. Subdivision (4) of section 5 of said Chapter 32 is
2 hereby amended by striking out clause (ii) and inserting in place
3 thereof the following:—

4 (ii) The normal yearly amount of the retirement allowance for
5 an eligible employee who has completed at least 30 years of cred-
6 itable service and has paid the full amount of regular deductions
7 on the total amount of regular compensation as determined under
8 paragraph (a) of subdivision (2), shall be based on the average
9 annual rate of regular compensation as determined under said

10 paragraph (a) and shall be computed according to the table con-
11 tained in said paragraph (a) based on the age of such member and
12 his number of years and full months of creditable service at the
13 time of his retirement with the percentage of salary average in
14 such computation to be increased by 2 per cent per year for each
15 full year of service in excess of 24 years of creditable service.
16 Such member shall have served for not less than 20 years as a
17 teacher; provided that service credited under subdivision (4) of
18 section 3 of this chapter shall be included as part of the 20-year
19 teacher requirement, in order to be eligible to receive the benefit
20 provided under this subdivision. For any member who retires
21 before age 55, his age factor shall be determined in accordance
22 with subdivision (1) of section 10. Any member who retires
23 before completing 30 years of service shall receive a retirement
24 allowance equal to the retirement allowance that the member
25 would have been eligible for had he not participated in the alterna-
26 tive superannuation retirement benefit program.

1 SECTION 4: Subdivision (4) of section 5 of said chapter 32, is
2 hereby amended by adding at the end thereof the following
3 clause:— (iii) Notwithstanding the seventh sentence of clause (i)
4 of subdivision (4) of this section the teachers' retirement board
5 and the State-Boston retirement board, at the request of an active
6 member, may allow said member to elect into the alternative
7 superannuation retirement benefit program; provided that said
8 member should make retirement contributions to the system as if
9 said member had elected into said program on or before July 1,
10 2001, plus interest; provided that the interest shall be calculated
11 by using the actuarially assumed investment rate of return of the
12 teachers' retirement system or the State-Boston retirement.